

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of

Facilitating the Provision of Spectrum-Based
Services to Rural Areas and Promoting
Opportunities for Rural Telephone Companies
To Provide Spectrum-Based Services

WT Docket No. 02-381

2000 Biennial Regulatory Review
Spectrum Aggregation Limits
For Commercial Mobile Radio Services

WT Docket No. 01-14

Increasing Flexibility to Promote Access to and
the Efficient and Intensive Use of Spectrum and
the Widespread Deployment of Wireless
Services, and To Facilitate Capital Formation

WT Docket No. 03-202

**OPPOSITION OF MOTOROLA, INC., TO
POWERWAVE TECHNOLOGIES' PETITION FOR RECONSIDERATION**

Motorola, Inc. ("Motorola"), respectfully submits this opposition to Powerwave Technologies, Inc.'s ("Powerwave's") Petition for Reconsideration in the above-referenced dockets.¹ Powerwave is asking the Commission to hold in abeyance rules that increase the base station transmit power levels in rural regions thereby allowing licensees to increase their coverage area with fewer base stations. The Petition for Reconsideration should be denied. The rules that Powerwave wants to delay implementation of are a vital component of the agency's

¹ See Powerwave Petition for Reconsideration, Jan. 14, 2005.

efforts to advance deployment of wireless services to underserved, rural areas, and should be enacted as the FCC ordered.

In the *Rural Report and Order*, the FCC increased by 100% the base station transmit power levels for the Cellular Radiotelephone Service, Broadband PCS, and AWS in less congested, rural areas, concluding that the service range could be substantially increased without causing harmful interference to co-channel or adjacent channel licensees.² The FCC explained that it was continuing to carry out the recommendations of the Spectrum Policy Task Force, which supported enhancing spectral efficiency in rural areas and, in general, providing licensees with increased flexibility.³

Wireless licensees should be allowed to implement the increased base station power levels in underserved, rural areas as soon as possible. Powerwave argues that because the FCC is considering eliminating the PCS peak output power limitation in the *Biennial Review* proceeding (in all areas of the country, *i.e.*, non-rural and rural), it should delay implementation of the increased base station power levels as per the *Rural Report and Order*.⁴ Like Powerwave,

² See Facilitating the Provision of Spectrum-Based Services to Rural Areas and Promoting Opportunities for Rural Telephone Companies To Provide Spectrum-Based Services, *Report and Order and Further Notice of Proposed Rulemaking*, WT Docket No. 02-381, Sept. 27, 2004 (“*Report and Order*”) ¶¶ 86-87.

³ See *id.*

⁴ See Biennial Regulatory Review – Amendment of Parts 1, 22, 24, 27, and 90 to Streamline and Harmonize Various Rules Affecting Wireless Radio Services, *Notice of Proposed Rulemaking*, WT Docket No. 03-264, Jan. 7, 2004, ¶¶ 13-18. Powerwave’s contention that rural systems “might conceivably be limited to less power than urban systems” if the rural rules go into effect as ordered is a weak argument. See Petition for Reconsideration at 5. If the FCC modifies the peak output power levels in the future, those modifications will apply to both rural and non-rural systems. Indeed, Motorola and Powerwave have asked the FCC to eliminate the

Motorola supports elimination of the PCS and AWS peak output power levels.⁵ That does not mean, however, that the Commission should delay implementation of the relief provided in the *Rural Report and Order*, which will speed deployment of wireless services to rural areas.

Powerwave claims that the Commission “completely neglected” the fact the peak output power level is currently under review in other proceedings.⁶ Powerwave also states that the FCC’s action in the above-referenced dockets “can only be assumed to have been adopted in ignorance of the pending proposals in the Biennial Review proceeding.”⁷ Motorola disagrees with both statements.

The FCC’s action in the rural proceeding is separate from the Biennial Review proceeding. Moreover, delaying the effective date of rules intended to advance wireless deployment to rural regions of America because the FCC *may* later implement a broader rule change (which would apply in all areas of this country) is bad policy and would be directly contrary to the Commission’s goals in the *Rural Report and Order*.

Motorola believes that operators are ready to meet the demand in underserved areas through deploying base stations with increased radiated power as the permitted by the *Rural*

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peak level requirements for AWS and PCS. *See* Comments of Motorola Inc. and Comments of Powerwave Technologies, Inc., Biennial Regulatory Review, WT Docket No. 03-264, Apr. 23, 2004.

⁵ *See* Comments of Motorola Inc., Biennial Regulatory Review, WT Docket No. 03-264, Apr. 23, 2004.

⁶ Petition for Reconsideration at 2.

⁷ *Id.* at 5.

Report and Order. As a matter of fact, the permitted increase in radiated power can be achieved simply by using a higher gain antenna at the base stations.

In conclusion, Powerwave's Petition for Reconsideration should be denied. Powerwave offers no sound reason for delaying implementation of a cost-effective and sound approach to increasing wireless coverage in underserved areas. The rules promulgated by the Commission in the *Report and Order* should be permitted to go in effect as ordered.

Respectfully submitted,

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April 21, 2005

CERTIFICATE OF SERVICE

The undersigned hereby certifies that, on April 21, 2005, in addition to being electronically filed via ECFS into WT Docket Nos. 02-381, 01-14, and 03-302, the foregoing OPPOSITION OF MOTOROLA, INC. was delivered by First Class mail to Counsel for Powerwave Technologies, Inc., at the following address:

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